

July 22, 2016

EX PARTE NOTICE VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: ET Docket No. 15-26, Amendments of Parts 1, 2, 15, 90, and 95 of the Commission's Rules to Permit Radar Services in the 76-81 GHz Band
ET Docket No. 11-90, Amendment of Sections 15.35 and 15.253 of the Commission's Rules Regarding Operation of Radar Systems in the 76-77 GHz Band
ET Docket No. 10-28, Amendment of Section 15.253 of the Commission's Rules to Permit Fixed Use of Radar in the 76-77 GHz Band
WT Docket No. 11-202, Amendment of the Commission's Rules to Permit Radiolocation Operations in the 78-81 GHz Band

Dear Ms. Dortch:

The Alliance of Automobile Manufacturers ("the Alliance")¹ and Association of Global Automakers ("Global Automakers")² submit this letter in the above-captioned dockets regarding the Commission's sunset proposals for wideband and ultra wideband ("UWB") vehicular radar operations in the 24 GHz band.³

¹ The Alliance is an association of twelve of the world's leading car and light truck manufacturers, including BMW Group, FCA US LLC, Ford Motor Company, General Motors, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen Group of America, and Volvo Car USA. See Alliance of Automobile Manufacturers, Members, <http://www.autoalliance.org/members>.

² Global Automakers' automobile manufacturer members include: American Honda Motor Co., Aston Martin Lagonda of North America, Inc., Ferrari North America, Inc., Hyundai Motor America, Isuzu Motors America, Inc., Kia Motors America, Inc., Maserati North America, Inc., McLaren Automotive Ltd., Nissan North America, Inc., Suzuki Motor of America, Inc., and Toyota Motor North America, Inc. Its supplier members include: Delphi Corporation, Denso International America, Inc., Robert Bosch GmbH, NXP Semiconductors USA, Inc., and Sirius XM. See Global Automakers, Members, <http://www.globalautomakers.org/members>.

³ Amendment of Parts 1, 2, 15, 90 and 95 of the Commission's Rules to Permit Radar Service in the 76-81 GHz Band, *Notice of Proposed Rulemaking and Reconsideration Order*, 30 FCC Rcd 1625 (2015) ("NPRM").

The Alliance prefers that the Commission not phase out the authorization of new 24 GHz wideband and ultra wideband (“UWB”) vehicular radar equipment that is currently permitted under sections 15.252 and 15.515 of the Commission’s rules.⁴ It remains unclear why the Commission seeks to clear the 22-29 GHz band (“24 GHz band”) of unlicensed, low-powered vehicular radar, or what services the Commission believes continued operation of vehicular radar in that band prohibits. The technical rules for both sets of vehicular radar were crafted to ensure that authorized services that could be affected by the unlicensed operations are protected from harmful interference and the Alliance and Global Automakers are not aware of any claims that such vehicular radar operations have caused harmful interference to authorized services in the band.⁵

Nevertheless, should the Commission ultimately decide to phase-out the authorization of new wideband or UWB 24 GHz vehicular radar equipment, it should continue to grant new authorizations for such equipment until at least January 1, 2022. This sunset date would harmonize any U.S. transition away from 24 GHz wideband and UWB vehicular radar equipment with the European transition plan.⁶ Moreover, manufacturers should be able to develop new, and improve existing, vehicular radar systems that operate under the 24 GHz wideband and UWB rules until at least 2022 because it will likely take several years for the automotive industry to develop, test and sell vehicular radar systems of that type that operate in the 77-81 GHz band. The Commission should not artificially suspend innovation in new vehicular radar systems and related safety applications by cutting off prematurely the development and deployment of new 24 GHz wideband and UWB vehicular radar systems.

Additionally, the Commission should allow in perpetuity the manufacture, marketing, sale, installation and operation of 24 GHz wideband and UWB vehicular radar equipment that is consistent with existing FCC equipment authorizations. Vehicular radar and automobile manufacturers have made considerable investments and advancements in their existing 24 GHz

⁴ Comments of the Alliance of Automobile Manufacturers, ET Docket No. 15-26, *et al.*, at 5-6 (Apr. 6, 2015); 47 CFR §§ 15.252, 15.515.

⁵ The Commission should also clarify that it will not phase out the ability to secure new 24 GHz narrowband vehicular radar equipment certifications under sections 15.245 and 15.249 of the Commission’s rules. Neither Europe, nor any other jurisdiction in the world has phased out the certification of new 24 GHz narrowband vehicular radar equipment. Manufacturers of narrowband 24 GHz vehicular radars continue to rely on sections 15.245 and 15.249 of the Commission’s rules. Every major U.S. automobile manufacturer has installed narrowband 24 GHz vehicular radar in their automobiles based on sections 15.245 and 15.249 and they all hope to continue to have the flexibility to do so in future vehicle models. See Letter from Ari Fitzgerald, Counsel to Mercedes-Benz USA, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No. 15-26, *et al.*, at 3 (Dec. 14, 2015).

⁶ See European Commission, Decision 2005/50/EC (Jan. 17, 2005), <http://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005D0050&from=EN>; Press Release, European Commission, Anti-Crash Radars: Commission Enables Cars to Be Equipped with Road Safety Technology (Jan. 18, 2005), http://europa.eu/rapid/press-release_IP-05-54_en.htm (“Beyond 2013 . . . new automotive radar applications will be required to use another frequency band.”); European Commission, Decision 2011/485/EU (July 29, 2011), <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:198:0071:0072:EN:PDF> (extending the sunset of new 24 GHz wideband and ultra-wideband vehicular radar equipment by 5 years).

wideband and UWB vehicular radar systems. Many of the safety features available in the market today rely on these systems. The record in this proceeding does not provide sufficient justification for revoking existing 24 GHz wideband and UWB equipment authorizations.⁷ The Commission would also help to ensure the existence of a robust market for replacement parts for vehicular radar systems in operation today by permitting the continued manufacturing, marketing, installation, sale and operation of already-authorized 24 GHz wideband and UWB vehicular radar equipment.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, I am submitting a copy of this letter into the proceeding record.

Sincerely,

/s/ Ari Q. Fitzgerald

Ari Q. Fitzgerald
*Counsel to the Alliance of Automobile
Manufacturers*

cc: Julius Knapp
Patrick Forster
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⁷ The Commission should also expressly adopt its proposal to "grandfather, for the life of the equipment, vehicular radars that are already installed or in use in the 22-29 GHz band range." This would ensure that consumers are able to purchase vehicles with confidence that critical safety features will continue to operate for the life of the vehicle. *NPRM*, ¶ 44.